

STATE OF NEW JERSEY  
DEPARTMENT OF LAW & PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
NEW JERSEY STATE  
BOARD OF NURSING

IN THE MATTER OF THE  
LICENSE OF

IRENE MACKENN, R.N.  
License # NO 04799400

TO PRACTICE NURSING IN THE  
STATE OF NEW JERSEY

Administrative Action

FINAL ORDER  
OF DISCIPLINE

This matter was opened to the New Jersey State Board of Nursing ("the Board") upon receipt of information which the Board has reviewed and on which the following findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Irene Mac Kenn ("Respondent ") was licensed as a Registered Professional Nurse in the State of New Jersey on September 21, 1970 and has been licensed at all times relevant hereto.
2. Upon receipt of information that respondent was terminated from Barnegat Operating Co., LP for allegedly acting in an abusive manner towards a resident, as well as information that a reportable event record had been sent to the New Jersey Department of Health and Senior Services alleging abuse of an elderly patient by Respondent, and others, the Board sent a Demand for Statement in Writing Under Oath

to Respondent's address of record in Barnegat, New Jersey, via regular and certified mail on or about May 11, 2012.

3. The May 11, 2012 regular and certified mailings were both returned "no receptacle."

4. The Board sent the Demand for Statement in Writing Under Oath to Respondent's address of record in Barnegat, New Jersey a second time, via regular and certified mail on or about May 7, 2013.

5. The May 7, 2013 regular and certified mailings were "returned to sender."

#### CONCLUSIONS OF LAW

Respondent's failure to respond to the Board's letters of inquiry constitutes a failure to cooperate with a Board investigation, in contravention of N.J.A.C. 13:45C-1.2, -1.3, in violation of N.J.S.A. 45:1-21(e), subjecting Respondent to disciplinary action pursuant to N.J.S.A. 45:1-21(h).

Based on the foregoing findings and conclusions, a Provisional Order of Discipline was entered on February 21, 2014, provisionally suspending Respondent's nursing license, and imposing a \$200 in civil penalty. A copy of the Order was served upon respondent by certified and regular mail at her address of record. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the 30<sup>th</sup> business day following entry unless Respondent requested a modification or dismissal of the stated Findings of Fact or Conclusions of Law by submitting a written request for modification or dismissal setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or

other written evidence supporting Respondent's request for consideration and reasons therefor.

The record reflects that both the certified and regular mailings of the Provisional Order were returned, marked "return to sender," "unable to forward." The Board considered this matter, and determined that constructive service had been effected, as the mailings had been sent to respondent's address of record. Both N.J.A.C. 13:37-5.7, and N.J.A.C. 13:45C-1.2, -1.3 require licensees to provide notification to the Board of any change of address. The Board further determined that additional proceedings were not necessary, and that the Provisional Order should be made final.

ACCORDINGLY, IT IS on this 11<sup>th</sup> day of July, 2014,  
ORDERED that:

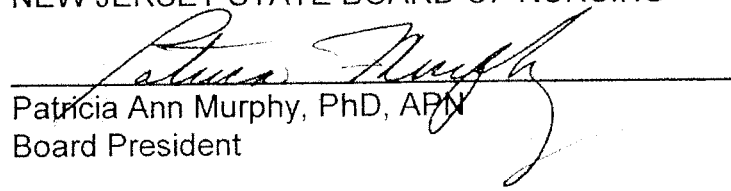
1. Respondent's license to practice nursing is hereby suspended until such time as Respondent cooperates fully with the Board's investigation by providing the Board with the information requested in the Board's Demand for Statement in Writing Under Oath.

2. A civil penalty in the amount of \$200 is hereby imposed upon Respondent. Payment shall be made by certified check or money order payable to the State of New Jersey, delivered to George Hebert, Executive Director, State Board of Nursing, P.O. Box 45010, 124 Halsey Street, 6<sup>th</sup> Floor, Newark, NJ 07101. Payment shall be made no later than 15 days after the entry of this order. In the event Respondent fails to make a timely payment, a certificate of debt shall be filed in accordance with N.J.S.A. 45:1-24 and the Board may bring such other proceedings as authorized by law.

3. Upon the filing of this order, Respondent shall refrain from practicing as a nurse and shall not represent herself as a Registered Professional Nurse until such time as her license is reinstated. Any practice in this State prior to reinstatement shall constitute grounds for a charge of unlicensed practice.

NEW JERSEY STATE BOARD OF NURSING

By:

  
Patricia Ann Murphy, PhD, APRN  
Board President